

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON KRAUSE,
SERGEANT MICHAEL DAVIDSON, CLARK
COUNTY PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE COUNTY
OF CLARK and JOHN DOES ONE THROUGH
TEN,

Defendants.

No. C11-5424BHS

DECLARATION OF DOUGLAS
H. JOHNSON IN SUPPORT OF
MOTION FOR LEAVE TO
SUPPLEMENT THE RECORD,
INSTANTER

The undersigned duly sworn and upon her oath, deposes and states as follows:

1. My name is Douglas H. Johnson, and I am lead counsel representing the
Plaintiffs in the above-captioned matter. I am over 18 years of age, competent to testify about
the matters stated herein, and make this declaration based on my personal knowledge.

2. I submit this affidavit in support of Plaintiff's Motion for Leave to Supplement
the Record, Instanter.

DECLARATION OF DOUGLAS H. JOHNSON
(C11-5424BHS) — 1
DWT 20579101v1 0094078-000001

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045
206.622.3150 main • 206.757.7700 fax

Signed this 26th day of October, 2012, in Downers Grove, Illinois.

Douglas H. Johnson
Kathleen T. Zellner & Associates, P.C.
1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515
Phone: (630) 955-1212
Fax: (630) 955-1111
Attorney for Plaintiffs

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on October 29, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of said filing to the following:

Daniel J. Judge, Attorneys for Defendant James M. Peters

danielj@atg.wa.gov, JoanK@atg.wa.gov, LaurelD@atg.wa.gov, TOROlyEF@atg.gov, TracyJ@atg.wa.gov

Patricia Campbell Fetterly, Attorneys for Defendant James M. Peters

patriciafl@atg.wa.gov, cynthiam4@atg.wa.gov, deanm@atg.wa.gov, torolyef@atg.wa.gov

Bernard F. Veljacic, Attorneys for Defendants Clark County Prosecutor's Office, Clark County Sheriff's Office, the County of Clark

Bernard.Veljacic@clark.wa.gov

Gabriella Wagner, Attorneys for Shirley Spencer,

Wagner@wscd.com

William Hudson Dunn, Attorney for Defendant Shirley Spencer,

dunnwh@pacifier.com

Gary A. Western, Attorney for Defendant Shirley Spencer

western@wscd.com

Guy Bogdanovich, Attorney for Defendant Sharon Krause

gbogdanovich@lldkb.com

Jeffrey Freimund, Attorney for Defendant Michael Davidson

jefff@fjtlaw.com, janicef@fjtlaw.com, kathrines@fjtlaw.com

DATED this 29th day of Octobert, 2012.

s/Daniel T. Davies

Daniel T. Davies

Suite 2200

1201 Third Avenue

Seattle, Washington 98101-3045

Telephone: (206) 757.8286

Fax: (206) 757.7286

E-mail: dandavies@dwt.com

DECLARATION OF DOUGLAS H. JOHNSON

(C11-5424BHS) — 3

DWT 20579101v1 0094078-000001

Davis Wright Tremaine LLP

LAW OFFICES

Suite 2200

1201 Third Avenue

Seattle, WA 98101-3045

206 622 3150 main 206 757 7700 fax

EXHIBIT 1

(Filed in Paper Form)

EXHIBIT 2

Interview of Katie Spencer 12.11.84

00.19

Detective Krause: I'll sit right there.

Deanne: Want to sit on my lap? Okay.

Krause: Here we are. How many dolls do we need? Just two or three? Hmm?

Krause: Two. You want to take them out starting with the man doll?

Krause: Which one do I need first? You tell me if I guess it right. Do you need the boy doll? Hmm? Do you need the boy doll? Or do you need two girl dolls?

That's the big girl doll, that's the little girl doll, and this is the man doll. Okay?

Is that your favorite pop?

Krause: Is it strawberry? Oh, I remember (indiscernible) Hmm?

Katie: Mom you already had one!

Krause: (Indiscernible) The other way.

Katie: Mom, what are you doing?

Peters: Wiggling around. So what did you do last night after you left here? You go back to the hotel?

Katie: Yes.

Peters: What else did you do?

Katie: Nothing.

Peters: Did you watch TV?

Katie: Yes.

Peters: What did you watch? Can't remember?

Krause: Tell Jim what they're doing down there that's so noisy.

Katie: Banging the walls.

Peters: What are they doing with the walls?

Katie: They're banging the walls.

Peters: They're banging the walls? Who's banging the walls?

Katie: I don't know their names.

Krause: They're remodeling, aren't they?

(Indiscernible discussion)

Krause: Kinda noisy.

Peters: Kinda noisy. Well, you know what I heard last night? I heard you were gonna come talk to me today and tell me the stuff that you came up here to tell me yesterday. Is that right?

Krause: Would you rather I left and you and Jim and your mom talk? Would it be easier if I left?

Krause: Okay, I can go. Do you need these?

Peters: No. I don't need those. I wonder if we should have a cup...

Krause: So it isn't so noisy.

Peters: So it isn't so noisy.

Krause: Would you like a cup or do you want to drink it out of the can? Okay, can you be real quiet so it doesn't make noise? You know how to do that. Right. Because the noise makes it so Jim can't hear. And I'll go outside in the other room, okay? When you, if you guys need me, you know where I'm at, okay? I'll leave that in

case you need it.

Peters: Okay.

Krause: The case. I'll be at my desk, Katie, if you guys need anything, okay?

Peters: So Katie, you're, are you still five years old?

Peters: Do you remember when your birthday is?

Katie: After Christmas.

Peters: That's coming up pretty soon, isn't it? Well, let me ask you a couple questions about, about me today, okay? This is a game about truth and lies. You ever played that game before?

5:00

Peters: Do you know what the difference is between truth and lies? What if I said it was snowing in here right now? Would that be the truth or a lie?

Katie: A lie.

Peters: That's right. What if I said today I had on a green tie? Would that be truth or a lie?

Katie: Lie.

Peters: Yes, that's right. You know the difference, don't you? What if I said that you had on shoes that had purple on them? Would that be a truth or a lie?

Katie: Truth.

Peters: That's right. It's true. Purple's your favorite color, isn't it? What's your other favorite color?

Katie: White.

Peters: Oh yeah? Do you like pink too?

Peters: Yesterday you had on pink stuff. What if I said today you had on a red coat? Would that be truth or a lie?

Katie: Truth.

Peters: That's right. And you know, it's very important that you tell me the truth. You know that? About the stuff we're going to talk about today, alright? Last summer, did you come up here to visit somebody? Come up to Portland or to Vancouver?

Deanne: Did you?

Peters: How'd you get up here?

Katie: An airplane

Peters: Who'd you, who—

Deanne: No, last summer.

Katie: Huh?

Deanne: Last summer (Indiscernible)

Katie: In a car.

Peters: Oh, whose car did you come up in last summer?

Peters: You're pointing to somebody. That's—

Katie: Mom.

Peters: Okay. And who did you stay with?

Katie: My dad.

Peters: Yeah, and what's your dad's name?

Katie: (Indiscernible) You know his name.

Peters: Is his name George?

Katie: No.

Peters: Is his name Herman?

Katie: Nope.

Peters: Is his name Sharon?

Katie: No!

Peters: What's his name?

Katie: I'm not telling you.

Peters: Is it Ray?

Katie: Yes.

Peters: Oh. And when, did you stay at Ray's house?

Katie: Yes.

Peters: Where's his house? I've never been to his new house.

Katie: It's our new house.

Peters: Oh, where is it?

Katie: It's not his very own.

Peters: Where is your house? The one that Ray lives in?

Katie: The house by the river.

Peters: Oh, well do you remember when you were staying at the house by the river some things happening that made you feel bad? Hmm? You got some left in there? Let me feel. Oh yeah. Do you remember talking to Sharon about that?

Peters: You roll your eyes up. Do you do that a lot? Does she, does she do that a lot?

Deanne: Only when she's talking about stuff she doesn't like.

Peters: Yeah, this is hard to talk about, isn't it? Do you know why we have to talk about it?

Peters: Well, sometimes when big people touch little people in their private places, it's hard to talk about. Right?

Peters: You've already talked to some people about this, haven't you?

Peters: Who have you talked to? Your mom, right?

Peters: No? Somebody named Shirley?

Peters: Yes. Good, and who else? Who else have you talked to about it? Sharon?

Peters: Okay. Can you say yes or no instead of nodding your head?

Peters: No, you can't?

Deanne: There was one other person, remember?

Peters: Was there a lady in Sacramento?

Peters: What's her name? You told me yesterday, but I forgot.

Katie: Anne.

Peters: Anne. That's right. She's the lady that you go to her office once a week?

Peters: And you told me yesterday what you do at her office. Tell me again, I forgot.

Katie: We play in her office.

Peters: You play in her office? Okay. And you've talked to her about this stuff, huh?

Peters: Okay. Well I heard last night... I got a call on the phone from Sharon that you, that you said you were going to talk to me about it too. Is that right?

Peters: Good. That's good. Well, Sharon told me that when you talked to her that it was easier for you to talk when you used some dolls, it that right? Which one of the dolls do you want to use? Do you want to use this one? Hmm?

Deanne: (Indiscernible)

10:00

Peters: Is this, is this a girl or a boy? It's a girl, right?

Peters: Ok, is it a big girl or a little girl? Hmm? Is it hard to say big and little? Okay, It's a little girl, right? And, is this a big girl or a little girl? Or is this a boy? Hmm?

Deanne: It's okay. If you'd like, squeeze my hand.

Katie: Mom...be quiet.

Deanne: Ok, I will.

Peters: Alright, it this the girl or a boy?

Katie: A girl.

Peters: Do we need, do we need to use this one today?

Katie: No.

Peters: Okay, I'll put this one down. And this is a boy or a girl?

Katie: Boy.

Peters: Right, is it a big boy or a little boy? Is it a man or a boy? Hmm?

Katie: It's a man.

Peters: Right. So do we need any other dolls besides these two for you to tell me?

Peters: Okay. What's the name of this doll? Is it gonna be George?

Peters: Is it gonna be Sharon?

Peters: Is it gonna be Denise?

Peters: Is it gonna be Karen?

Peters: Is it gonna be Ray? This one?

Peters: Is it gonna be Katie?

Peters: Yeah?

Peters: Okay. Is this Katie you? Or is it somebody else Katie? Hmm? What do you think?

Peters: Oh it's you. You pointed to you. Is that what that meant? Did you just point to yourself? Is that what that means?

Peters: I thought so. Okay, now this one. Who's this one gonna be? Is this me?

Peters: No. Who is it? Is this your mommy?

Peters: Is it somebody who lives in Sacramento?

Peters: No. Is it somebody who lives in Vancouver?

Peters: Oh. What's the person's name?

Katie: You know.

Peters: I know I know, but I want you to tell me. Is it the same person that you told Sharon? That you told Sharon about?

Peters: Ah, who is that? Is it Matt?

Peters: Matt's your brother, right?

Peters: It's not Matt?

Peters: Okay, is it somebody else who lives in Vancouver?

Peters: Okay. What kind of job does the policem- does the person do?

Katie: A policeman.

Peters: Oh, do you remember his first name?

Peters: You don't remember or you don't want to say?

Peters: Okay.

Deanne: What do you call the person?

Katie: Mom...

Deanne: You want me to go over there?

15:00

Katie: No.

Deanne: Okay.

Peters: You call the person “mom?”

Katie: No!

Peters: I didn’t think so. What do you call him?

Katie: Daddy.

Peters: Oh, good. That’s good.

Katie: You knew that already.

Peters: I don’t know.

Katie: Yes, you do.

Peters: Well, can you show me what daddy did? Here, let me take your pop for a minute. I’ll give it back to you in just a minute.

Peters: There’s not going to be enough room for both the pop and—

Katie: No.

Deanne: How about if I…?

Peters: Ok, just move it over here then.

Deanne: I’ll hold it right here out of the way ‘cause we need to talk for a minute, okay? Take a drink.

Katie: No.

Deanne: Ok, how about we put it down here.

Katie: No.

Peters: You talked to Sharon about how important it is for you to tell what happened, remember? How we’ve got to get daddy some help so he won’t do this again to you or to anybody else? And right now daddy’s afraid to tell. And so maybe we can show him this picture that we’re taking so he won’t be so afraid to tell and he can get some help. Let’s see, did daddy touch you some place? Was that a yes or a no?

Peters: You’re nodding your head up and down? Is that what you’re doing? You’re doing it so little I can hardly tell. Ok. Did he touch you on the nose?

Peters: Did he touch you in the hair?

Peters: How about on the ears?

Peters: Let’s see. What did, what’s this part right here called?

Katie: Hand.

Peters: Hand. Did he touch you on the hand?

Peters: Let’s see. Right here on the chest. What’s this part called? Do you know?

Peters: Mhmm. What’s it called? Is it called a nose?

Peters: No…It’s important for you to tell me ‘cause I don’t know what your words are for that.

Peters: No, I don’t. Did you tell Sharon before? How about if we got her cartoon and see what you told her before? Did she write it down on the cartoon?

Peters: Do you remember? Is this the cartoon that she used when she talked to you before? Let’s see, she wrote down that you call this place on the chest “boobies,” is that right? Can you say yes or no? Is that what you call that place right on the chest? Boobies?

Peters: Okay. Um, how about this place right here? Right in the middle of your tummy. What do you call that? Is it a toe?

Peters: Is it a nose?

Peters: Is it an eyebrow?

Peters: Is it a fingernail?

Peters: What is it?

Katie: You know.

Peters: Says right here that you told Sharon when she talked to you in Sacramento that that's a belly button. Is that what you call that part?

Peters: Ok. How about this part right here on a girl? The front part where she goes pee from? What do you call that? Hmm?

Deanne: Remember what you told me last night?

Katie: Mom...

20:00

Peters: Sharon says you told her that was a pee pee in Sacramento. Are you saying yes?

Peters: I see you nodding your head up and down, but it's hard for me to know.

Deanne: Kathryn, say it.

Peters: Yeah, okay. Now this part back here. The part where spankings come, right? What do you call that? It's okay to say these words, it's not bad. Are you worried about saying the words? Sharon said that you call that a butt; is that what you call it?

Peters: Okay, that's fine. On a man... The man's a little bit different than the girl on the front, isn't he? Okay. The part that's different is right here, right? What do you call that on a man? Can you tell me?

Deanne: What's it start with? Remember how you helped me last night? (Indiscernible)

Katie: Mom...

Deanne: Try that if you can't say the real word. Just try, okay?

Peters: What did you tell Sharon? You almost said it. I saw you make it with your mouth. What's the first letter? Do you know all of your ABCs?

Peters: Yeah? Which letter is the one that is the first one of the word that (Indiscernible) Well, Sharon says that you told her that's a wiener, is that right?

Peters: Okay. Well, can you show me how your daddy touched you? Just take the dolls and show me?

Deanne: (Indiscernible).

Deanne: Go ahead. Go on.

Peters: It's so good of you to come up here. I know it was real disruptive. That's a big word. But you were probably were supposed to be in school today, right? Instead of coming out here.

Katie: My teacher knows I'm not gonna be there.

Peters: Are you gonna be there tomorrow?

Peters: (Indiscernible)

Katie: Probably won't get to because I'll be too late.

Peters: Oh, maybe not.

Katie: My reading group...the class will be already over.

Peters: Do you have a reading group in your class?

Peters: You mean in kindergarten they're teaching people how to read these days?

Peters: You know, when I was in kindergarten all we did was mess around and play with blocks and finger-paint and stuff.

25:00

Deanne: Take naps.

Peters: Take naps, yeah.

Katie: I don't, I don't take any naps (Indiscernible)

Peters: I think kids are smarter these days than they were when I was a little, little guy.
What do you think? ... Well, let's see is it true or a lie: Did your daddy touch you
last summer when you were up here? True or a lie?

Deanne: Remember what I told you?

Katie: Mom...

Peters: What did your mom tell you?

Deanne: It's always important to tell the truth.

Katie: I heard you, I knew that. I knew that because (Indiscernible)

Deanne: So you know it's important to always tell the truth.

Katie: Stop saying that, I hate that word. It's dumb.

Peters: You hate the word truth?

Peters: Well, let's see. This is your daddy and this is Katie. Show me what happened last
summer, okay? Then we can stop all this.

Katie: Nothing happened last summer.

Peters: Nothing happened?

Deanne: Okay, deep breath.

Katie: Mom... Nothing happened last summer.

Deanne: Katie, remember when we talked last night and we already know it's gonna--

Katie: Mother...

Deanne: --It's going to be hard. Do you want me to go in the other room, would that be
easier?

Katie: No.

Deanne: Okay (Indiscernible)

Katie: Mom... will you be quiet?

Deanne: Yes, I will be quiet. Okay.

Katie: Stop saying those dumb words.

Deanne: Okay. You want a drink?

Deanne: Remember what you showed Sharon and Anne?

Peters: Did you show Anne too? I didn't know that. I knew that you showed Sharon.

Deanne: (Indiscernible)

Peters: That was good of you to do that. That make you feel better when you did that?

Peters: No? Well you know you're not in any trouble at all, don't you?

Peters: You know we just want to help your daddy? If he did this, we want to make sure
he doesn't do it to you again or to anybody else again.

Deanne: You don't have to say anything, just move the dolls (Indiscernible)

Peters: Well, what made you change your mind and not want to do it today when you
wanted to last night?

Peters: Heavy breathing. What do you think? Does it make you nervous when people
ask you questions about this stuff?

Peters: Yeah? Well, I can understand that. It would make me nervous if people were
asking me questions all the time too. How about if we just do it this one last time?
(Indiscernible) What do you think?

Deanne: Remember the story you told about the little train that could?

Katie: Mommy...

Peters: Oh, I've heard that story before. Did you learn that at school?

Deanne: (Indiscernible)...story last night. Want to hold my hand?

Peters: Is that the train, is that the story about the train that goes "I think I can, I think I can, I think I can, I think I can" and he's going up that steep hill? Is that the one?

Peters: That's a good story. What happens in the end? Does he do it?

Peters: But it's so hard before he gets there, right? "I think I can, I think I can, I think I can..." And then finally, what? Finally, "I can," right?

Deanne: "I knew I could, I knew I could, I knew I could".

Peters: That's right. So let's just take about three deep breaths and then you show me and we'll get this all over with.

Deanne: You can hold my hand if you need to, okay? You want to use my hand? Okay, tell me what to do. You tell me what to do and then we're gonna get this all over with, alright? Cause we can do it, right?

Deanne: Okay. You tell me. Show me what to do.

30:00

Peters: Good.

Deanne: He put it on your tummy?

Deanne: Okay, now what.

Deanne: Take my hand. Where does my hand go now? Does it stay on the back or does it go on the boy doll? What do I do? Take my hand. Come on, we'll do this together.

Katie: No...

Deanne: Show me where to put my hand.

Katie: Nuh-uh.

Deanne: She stays on her tummy like that? And then what? I turn her over? What about the boy doll? Hmm?

Deanne: Turn him over?

Deanne: Like that?

Deanne: And then what?

Peters: Oh, one question we forgot to ask. It's real important. Does the girl doll have any clothes on? Hmm? What was that one? Was that a yes or a no?

Deanne: Come on, sweetie.

Peters: Do you remember what house this happened in? Hmm?

Deanne: (Indiscernible)

Peters: Was it the house in Sacramento?

Peters: Was it Karen's house?

Peters: Was it the house by the river?

Peters: Yeah? Good. You can remember really well. Okay and what room was it in?

Katie: The living room.

Peters: Oh you can talk! I thought you forgot how to talk. It was in the living room. Okay, who else was in the living room? There was...who's this? Hmm?

Deanne: You want to take your coat off?

Katie: No, I don't.

Deanne: Okay.

Peters: Okay, there was this person who's Katie, right?

Peters: And this person who you said was your daddy, right?

Peters: Who else was in the living room?

Katie: Nobody.

Peters: Nobody? Were there any other people in the house?

Peters: How about Matt? Where was Matt?

Peters: You remember?

Peters: Was it day time or night time?

Deanne: Take my hand.

Peters: Oh, that's good.

Katie: The night time.

Peters: Oh, you remember very well. And where was Shirley?

Katie: At work.

Peters: Oh, ok. And where was Matt?

Katie: He was in the house too.

Peters: And where was he, do you know?

Katie: He was in the living room sleeping.

Peters: Oh, and who else – was anybody else in the living room?

Katie: No.

Peters: Was there anybody else staying at the house?

Katie: Yes.

Peters: What was that person's name?

Katie: Little Matt.

Peters: There's two Matts?

Peters: And where was little Matt?

Katie: He was down on the floor, too.

Peters: Oh, you're remembering so good now. Ok, so who was awake in the living room?

Katie: Me and my dad.

Peters: Good. Alright, what do you remember that happened? Can you show me on the dolls?

35:00

Peters: Let me ask you some other questions, then. What was Katie wearing? You remember?

Deanne: Take my hand.

Peters: Did you have any clothes on at all that night or were you sleeping down there – lying down there in the floor with no clothes on? Was that nodding? What did your daddy have on?

Katie: A robe.

Peters: Alright, and anything on underneath the robe? Can you remember?

Peters: How about Katie? What did Katie have on? Wanna hold my hand too? Want to?

Deanne: (Indiscernible)

Peters: Want to?

Peters: No? Okay. Did Katie have any clothes on that night?

Peters: Uh-huh. Okay, did you keep your clothes on or did they come off?

Deanne: Come on, squeeze my hand again.

Peters: You're doing so good so far. Okay, let me just ask you and you tell me. Did your clothes stay on? You can nod yes or no.

Peters: No. Okay, did they come off?

Peters: You're nodding your head yes?

Peters: Um, who took them off?

Peters: You took them off yourself?

Peters: It would be a lot easier if you'd say the words rather than point. But if you have to point, that's okay too. Um, did somebody tell you to take them off? Is that a yes?

Peters: Okay, who told you to take them off? Are you pointing? You can point if you want to.

Deanne: (Indiscernible) Who told you to take your clothes off?

Peters: Okay. This one right here? Is that your dad? Is that a yes or a no?

Deanne: Ok, come on. (indiscernible), turn around. Take my hand, it's okay, take my hand.

Peters: Aw, you're doing so good. You really are. Okay. Now underneath your dad's robe, did he have anything on?

Peters: Any underpants?

Peters: Any t-shirts?

Peters: Nothing, huh? Let's see... You know how boys' wieners hang down like this usually?

Peters: Is that the way your dad's was?

Peters: Is that a yes?

Peters: Okay, did it always stay like that? Or did it change some way?

Deanne: (Indiscernible) Can you show us with the doll?

Katie: Nuh-uh.

Peters: How about with my finger? That's just a little finger. Or show me with your finger.

Katie: No.

Deanne: How about mine?

Katie: No.

Peters: Well, can you tell me if it changed?

Peters: Did it always hang just down or did it hang some other way?

Deanne: You can use the doll's arm. (Indiscernible) Hmm?

Peters: Can you show me with the girl? With the little dolly's arm what happened?

Peters: Okay. Let's see... You told me earlier that he touched you. Can you show me how?

Katie:

Deanne: Just play with the dolls, honey. The way that it happened, okay?

Katie:

Deanne: Use my hand to play with the dolls?

Deanne: I really need your help. You're just doing so good.

Peters: You're being real patient with us too.

Deanne: Mm-hmm. Sometimes it's hard to be patient with adults, huh?

Peters: I'll bet.

Peters: You getting sleepy?

Deanne: Let's get this over with, huh, Katie? You can do it.

Peters: I think I can, I think I can, I think I can, I think I can, I think you can, I think you can...It's so important for you to show us now because Sharon can't go tell a

40:00

judge...We talked about a judge yesterday when we went in the courtroom, right? Remember going in the courtroom?

Peters: Sharon can't tell the judge what happened. Sharon can't tell your daddy's doctor what happened.

Peters: But you can. You can.

Peters: 'Cause they'll think maybe Sharon made a mistake or, or that Sharon made it up or something.

Deanne: That's why we need you to show us one more time. You want to sit on the floor and show us?

Peters: You want Jeff to leave? Jeff's the man standing right over there, right?

Deanne: Do you want him to go out? If he goes out will you show us?

Deanne: Okay then, let's get brave one more time. Squeeze my hand. Come on.

Deanne: You can do this.

Katie: Nuh-uh.

Deanne: Then we'll have the rest of the day today, remember? Hmm?

Peters: You've done so good so far. Got all the hard parts over. Well, let's see...Let me try it this way. Did he touch you with his nose?

Peters: Did he touch you with his mouth?

Peters: Did he touch you with his chest?

Peters: Did he touch you with his belly-button?

Peters: Did he touch you with his wiener?

Peters: Yeah? Ok, Did he touch you with his knees?

Peters: Did he touch you with his feet?

Peters: Did he touch you with his fingers?

Peters: Hmm?

Peters: Just with his wiener? Is that right?

Peters: Okay. Let's see. I've got to figure out now where he touched you with his wiener. Did he touch you on your feet with his wiener?

Peters: Did he touch you on your knees?

Peters: Did he touch you on your pee-pee?

Peters: Okay, did he touch you on--is that a yes?

Peters: Alright. Did he touch you on your belly button?

Peters: Did he touch you on your boobies?

Peters: Did he touch you on your mouth?

Peters: Is that a no?

Peters: Did he touch you on the eyes?

Peters: Did he touch you on your hair?

Peters: Can you show me how he touched you with his wiener with the dolls?

Katie: Nuh-uh.

Deanne: (Indiscernible) We only have to do it this one more time, remember?

Peters: Okay, were you sitting up or lying down? Or standing up? Which of the three? Were you sitting like this?

Peters: Were you standing like this?

Peters: Were you bending over like this?

Peters: Were you lying down like this?

Peters: On your front?

Peters: Were you lying down like this on your back?

Peters: Okay, were your legs together like that or were they like something else? Okay, you already told me you were lying on your back, right?

Peters: Okay. Show me how your legs were.

45:00

Peters: Just like that?

Peters: I can't tell if that's yes or a no.

Peters: Okay, show me how your daddy was. Was he standing up?

Peters: Was he standing on his head?

Peters: Was he on his knees?

Peters: Was he on his back?

Peters: Was he on his front like this?

Peters: How was he? I can't think of any other guesses. If I haven't got it right you've got to show me.

Peters: Hm. Gosh darnit. I wish I had been in Sacramento so I could have seen you tell Sharon. How are you doing? What are you thinking about? You're doing real good so far. How about you take my hand and have me move the dolls the way you were?

Peters: No?

Deanne: You want to use my hand?

Peters: Okay, I think, I think we should take a break now. I think you're getting pretty tired, huh? Let's take a break and go get a drink of water or something, alright?

(TAPING STOPS AT 10:46am)

47:25

(TAPING RESUMES AT 11:51am)

Peters: Okay. The camera's rolling again. And while the camera was off, Katie, you showed me some things with the dolls, didn't you?

Katie: Yes.

Peters: Um...

Katie: It's gonna take a picture by itself now.

Peters: Yeah, there isn't anybody over there now. It's just gonna take a picture all by itself.

Katie: It is?

Peters: Yeah, it's taking a picture right now.

Katie: No it isn't.

Deanne: Say hi.

Katie: No.

Deanne: Okay.

Peters: So, what I'd like you to do is show me now while the camera's going what you showed me while the camera was off. Uh, first I want you to tell me who these dolls are again. We did it once.

Katie: No.

Peters: This is who? Just say the name.

Katie: Katie and Ray.

Peters: Alright. Would you show me what you showed me? What, what Ray did?

Peters: Okay. What else did Ray do?

Peters: Okay. What else? Anything else?

Katie: Forgot that last thing.

Deanne: Just think.

Peters: Just think about what happened. Where did this stuff happen?

Katie: By the house on the river in the living room.

Peters: Okay. And is this on the floor, or on the couch, or on the bed, or on the chair—

Katie: On the floor.

Peters: Okay. Show me what else happened.

Peters: Okay.

Peters: Was that hard for you to do?

Katie: No.

Peters: That was pretty easy, wasn't it?

Katie: That, that was quick.

Peters: Mhmm. Well...

Deanne: Is there anything else?

Peters: Do you remember anything about Ray's pee-pee when this was going on?

Katie: Nope.

Peters: Was it hanging down like this or was it doing something else?

Katie: No, like that.

Peters: Was it?

Peters: Are you sure? You sure? You're looking at me kind of funny.

Katie: Yes!

Peters: Okay. Did you see anything come out of his pee-pee?

Katie: No.

Peters: Or out of his wiener, I mean?

Katie: No.

Peters: Did Ray say anything to you while this was going on?

Katie: No.

Peters: What does Ray call you?

50:00 **Katie:** Um, I don't know, "Sugar Bear."

Peters: Sugar Bear?

Peters: Hey, did Ray say something about your bottom?

Katie: No.

Peters: You sure?

Katie: Yes, I'm sure.

Peters: Did you tell Sharon he said something about your bottom?

Katie: No.

Peters: You don't remember or no?

Katie: No, no, no.

Peters: What else does Ray call you besides "Sugar Bear"?

Katie: Nothing.

Peters: Alright. When he did those things that you just showed me, was anybody else there?

Katie: No.

Peters: Was anybody else asleep?

Katie: Yes.

Peters: Who?

Katie: Matt and Little Matt.

Peters: They...where were they when they were asleep?

Katie: Up the stairs.

Peters: Up the stairs? Oh. In what room?

Katie: Our room, what do you think?

Peters: I don't know, I wasn't there. Didn't you tell me before that they were on the living room floor asleep?

Katie: They were there.

Peters: Were they upstairs or were they on the living room floor?

Katie: On the living room floor.

Peters: How come you told me they were upstairs?

Peters: Huh? Did you forget?

Katie: Yes.

Peters: Okay, that's fine. Well, do you remember before this time that you just told me about, did Ray do that to you before?

Katie: No.

Peters: Did he ever put his pee-pee in your –

Katie: No.

Peters: His wiener in your pee-pee before?

Katie: No.

Peters: Did he ever put his mouth on you before like you showed me?

Katie: No.

Peters: You sure? Hmm?

Katie: Yes, I'm sure.

Peters: Okay. Has anybody else ever done that?

Katie: No.

Peters: You told Sharon, excuse me not Sharon, Shirley. That, uh, some other people had done that like Karen and Matt.

Katie: They didn't really.

Peters: How come you told Shirley that?

Katie: 'Cause I told her that.

Peters: Well, how come?

Katie: 'Cause I told her that.

Peters: Let's not be moving the chair. Just sit up a little bit. Just a little.

Deanne: Just a little bit.

Peters: It's okay, but I just wanted to know how come you told her that.

Katie: 'Cause.

Peters: There was a reason, wasn't there?

Katie: No.

Peters: You told Sharon a reason. Was it true that Ray did it?

Katie: Why would I, why, why would I be here if it didn't really happen?

Peters: I'm sure I don't know.

Deanne: Don't play with the chair, please.

Peters: But there was, was there a reason why you told Shirley that Karen and those

other people did it too?

Katie: Nope.

Peters: Well, why do you suppose you did?

Katie: 'Cause I did, I did, I did.

Peters: Were you worried about Shirley feeling bad?

Katie: No. I hate Shirley.

Peters: Why?

Katie: She's dumb. She's a brat.

Peters: Why do you say that?

Katie: 'Cause she is a brat.

Peters: What does she do that makes you think she's a brat?

Katie: She always comes home and sends us to bed.

Peters: She always comes home and sends you to bed, huh? My goodness.

Katie: Doesn't that sound like a brat to you?

Peters: I don't know. Does your mom come home and send you to bed?

Katie: Not when she first gets home. We have dinner, I take a bath, and then we get our pajamas on, and then we go to bed.

Peters: But is it different at Shirley's house?

Katie: Yes.

Peters: How so?

Katie: I don't know.

Peters: When you came up last summer, were you afraid to come up here? Did you want to come up here?

Katie: Did I?

Deanne: Can you remember? You tell the truth.

Katie: I don't remember.

Peters: Okay. It was a long time ago, wasn't it?

Peters: Let's see, you were four or five then?

Katie: I was five.

Peters: Five. You're gonna be six pretty soon, aren't you?

Katie: Yes.

Deanne: Stop.

Peters: Well.

Katie: Well, what?

Peters: Well, I just want to know if you remember Ray doing any other things to you before this.

Katie: Nope.

Peters: You don't remember?

Katie: He didn't.

Peters: Was this the first, very first time?

Katie: Yes.

Peters: When he did that to you, did he say anything to you?

Katie: No.

Peters: How about afterwards?

Katie: No.

Peters: Did he tell you anything about telling people about it?

55:00

Katie: No.

Peters: Did he tell you not–

Katie: Yes, yes, yes, yes, yes.

Peters: Oh, what did he tell you? “Yes, yes, yes, yes,” what did he tell you?

Peters: Hmm?

Katie: Nothing.

Peters: Did you tell him, did he tell you anything about telling other people?

Katie: I don’t know.

Peters: Sounded like you remembered just a minute ago.

Katie: I didn’t remember.

Peters: Did he tell you not to tell other people?

Katie: Yes.

Peters: Oh, ok. It was real good of you, of you to tell though. You know that? Do you know why?

Katie: No. I don’t know why.

Peters: So maybe we can help Ray get some help so he won’t do that again. Right?

Katie: Right.

Peters: Okay. Well, let me, let me see if I remember exactly what you said, what he did to you. Would you show me one more time so I’m sure I got it?

Katie: Oh my god.

Peters: And then we’ll turn the camera off and then we’ll stop, okay?

Katie: And that’ll be the end of it and I’ll be so glad.

Peters: I’ll bet you will.

Peters: Okay, is his wiener at, in your pee-pee there?

Peters: Yeah? Okay.

Peters: Okay. Just a minute. Let me ask you a question about that. Did his wiener go in your mouth?

Peters: Did he keep it in there very long?

Peters: Nuh-uh?

Peters: Okay, what’s he doing here? Is this your butt here?

Peters: Did he put his wiener in your butt?

Peters: Oh? How did it feel?

Peters: How did it feel when he put his wiener in your pee-pee?

Katie: I don’t remember. Do the splits.

Peters: Alright. Can you remember anything else?

Katie: No.

Peters: And did all this happen last summer when you were up here?

Katie: Did it happen last summer?

Peters: Your mom wasn’t there two years ago.

Deanne: I wasn’t there.

Katie: You were there before I even went up there.

Deanne: No.

Katie: You were up there before I even started to go up there.

Deanne: We lived up there, uh-huh.

Katie: My dad used to lie to you every day. Sunday, Monday, Wednesday... Friday, Saturday.

Deanne: Okay, but we need to find out did it happen before this last summer?

Katie: No, no, no.

Peters: Okay. Do you want to help me turn the camera off?

Katie: Yes.

Peters: Alright. Let's go right over here and there's a button that says stop right there.
Why don't you push that one right there?

Katie: This one?

Peters: Yep.

[END OF TAPE]